

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26696 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- DARBHANGA District- Darbhanga

SHIV KUMAR JHA S/o Late Navo Narayan Jha R/o Mohalla- G.M. Road,
Rajkumar Ganj, P.S.- Town, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Abhinay Raj, Advocate Mr. Alexander Ashok, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the informant	:	Mr. Shashank Shekhar, Advocate Mr. Chandan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307, 147, 149, 341, 323, 325, 327, 285, 288, 354 and 436 of the Indian Penal Code to which section 302 of the Indian Penal Code was added later on.

As per the prosecution case, it is stated by the informant that they were residing at the land after constructing a house along with their inmates for the last 40 years. It is stated that Shiv Kumar Jha wanted to forcibly take possession. The previous day he came to the place of occurrence, hurled abuses and threatening that the informant should vacate the house went



away. It is further stated that on the date of occurrence Shiv Kumar Jha along with 40 others came to the place of occurrence along with JCB machine and made an attempt to demolish the house of the informant. On protest by the brother and sister of the informant it is stated that Shiv Kumar Jha poured petrol and burnt them. They were taken to the hospital for treatment.

It is submitted by learned Senior counsel appearing for the petitioner that the petitioner is innocent and has been falsely implicated in the case. The petitioner purchased the house through a registered sale deed in the year 2017 and is also contesting a title suit being Title Suit no.484 of 2017 pending between the parties.

Learned Senior counsel referring to paragraph nos. 21, 58 and 160 of the case diary submits that the petitioner could not be identified in the CCTV footage and the location of the petitioner's mobile as per CDR was 3-4 kilometers away from the place of occurrence. The petitioner is in custody since 18.2.2022 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Learned counsel for the informant submits that not only the petitioner is named in the FIR but there is direct



allegation against him of having poured petrol on the brother and sister namely Sanjay Kumar Jha and Pinki Kumar and having burnt to death. Learned counsel submits that substantial material has transpired in course of investigation to support the allegation against the petitioner in the FIR.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR of having poured petrol on Sanjay Kumar Jha and Pinki Kumari and of having burnt to death, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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